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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,026	10/20/2003	Huo-Pia Wang	08688.0331US01	4013
23552	7590	07/07/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DOAN, ROBYN KIEU	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,026

Applicant(s)

WANG, HUO-PIA

Examiner

Robyn Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaccaro (5131418) in view Bauer (2687134).

With regard to claims 1-3, Vaccaro discloses a hair device (figs. 1 and 5) comprising a body (10) including a hand-grip portion (14) and a mounting portion (12) that extends from the handgrip portion in a longitudinal direction (fig. 1), a comb unit (27) secured to and projecting outwardly from the mounting portion, and including a plurality of spaced apart combing plates (20 a-e) which are aligned in said longitudinal direction, and a plurality combing members (11), each of which is disposed between an adjacent pair of said combing plates. The mounting portion further having a front end (at 13b when the comb unit attached to the mounting portion) distal from the hand-grip portion, a rear end (at 13a) proximate to the hand-grip portion, a mounting face (16, fig. 5) extending between the front and rear ends and indented inwardly to define a receiving recess (28) in the mounting portion, and opposite left and right sides extending in the longitudinal direction, the comb unit further including a positioning block

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(27) that is received securely within the receiving recess and that has an upper surface, each of the combing plates being secured to and projecting upwardly from the upper surface and having a tip distal from the upper surface and a curved edge extending from the upper surface of the positioning block to the tip (fig. 5 shows each combing plate having a curved edge to the tip). Vaccaro does not disclose the plurality comb members being auxiliary combing members, each has a plurality of ribs aligned in transverse direction relative to the longitudinal direction, each of the ribs having a top portion, said top portions of each adjacent pair of the ribs angling away from each other and defining a V-shaped groove therebetween; also the ribs of the combing members gradually decreasing in height. Bauer discloses a comb (figs. 1-2) comprising a body portion (14) having a plurality of auxiliary combing members (22, fig. 2), each has a plurality of ribs (24) aligned in transverse direction relative to the longitudinal direction of the body, each of the ribs having a top portion, said top portions of each adjacent pair of the ribs angling away from each other and defining a V-shaped groove therebetween; also the ribs of the combing members gradually decreasing in height (fig. 2). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the auxiliary combing members as taught by Bauer into the hair device of Vaccaro for the intended use purpose.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bachtell, Stephan, Thompson, Zito and Leman et al are cited to show the state of the art with respect to a hair device.

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The drawings filed 10/20/03 have been approved by the Examiner.

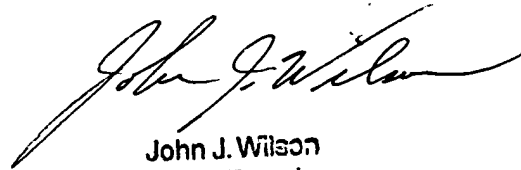
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
June 28, 2005



John J. Wilson  
Primary Examiner